

# Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Tuesday, 29th April, 2014.

**Present:** Cllr David Wilburn(Chairman), Cllr Norma Wilburn(Vice-Chairman), Cllr Ken Lupton(Vice Cllr Maurice Perry), Cllr Andrew Sherris

**Officers:** Mark Gillson, Jonathan Kibble(DNS), Julie Butcher, Sarah Whaley(L&D)

**Also in attendance:** J Wester, K Taylor, C Shaw, G Boston, C Scott(Baines Jewitt)

**Apologies:** Cllr Robert Gibson, Cllr Ross Patterson, Cllr Maurice Perry,

## **ACC 1/14**      **Declarations of Interest**

There were no declarations of interest.

## **ACC 2/14**      **Minutes of the meetings held on 10 September 2013 and 26 September 2013**

Consideration was given to the minutes which were held on the 10th and 26th September 2013 for approval and signature.

AGREED that the minutes be approved and signed by the Chairman.

## **ACC 3/14**      **Buchanan Street, Stockton Proposed 2 hour limited waiting off-street car park**

Members were provided with a report relating to an outstanding objection received following statutory advertising of the proposed introduction of a two hour maximum stay on the off-street car park accessed off Buchanan Street to the rear of Wentane Motors.

A Senior Engineer from Technical Services was in attendance to present the report.

It was explained that at a Planning Committee on 31 July 2013, consideration was given to an application to construct 117 dwellings and access roads on a site bounded by Dovecot Street, Hartington Road, St. Bernard Road and Worthing Street.

A small number of objections had been raised in respect to the proposal which were mainly concerned over the impact of the development on local parking and traffic provisions. The area currently allowed for indiscriminate parking within the area which several local businesses had commented was necessary to maintain their viability. Whilst it was noted, the overall site was a former housing site and it had been acquired for the purpose of re-providing housing, it was not intended to increase parking provision for the wider area. In addition, the amount of new housing was a reduction to that previously on the site, each property had its own parking and there was also additional visitor parking provided within the layout, whereas all previous parking for the properties would have been on street. In view of these matters it was considered that there was no planning justification for additional parking to be provided as part of the scheme for

existing businesses within the surrounding area. Notwithstanding this, the Council's Technical Services and Housing Department had further considered the concerns raised by existing businesses out-with the application process. The Head of Technical Services had indicated that, in terms of meeting the requirements of local businesses, the existing and future provision of car parking had been considered and this would be monitored as development progressed. It was likely that short stay car parking could be accommodated along with provision of restrictions to ensure a turnover that would satisfy customers accessing businesses in the area. Further to this, some long stay unrestricted parking could be accommodated on street and the Council had committed to working with the businesses in the area to provide parking where possible. The Head of Technical Services had advised that at this stage no land was available for an off street unrestricted long stay car park.

The Senior Engineer confirmed to the Committee that following a meeting with local business representatives the Head of Technical Services had agreed to look at concerns raised separately and had developed a scheme as follows:

- Introduce 2 hour limited waiting restrictions on Lawson Street to provide a frequent turnover of parking for shoppers, as well as some no waiting at any time restrictions to prevent rear access for shoppers (Experimental Order).
- Formalise the Buchanan Street Off-street car park 2 hours maximum stay to provide additional flexible parking for shoppers. Around 15 bays are currently marked.
- Amend the existing one way order on Worthing Street and Buchanan Street to allow access for residents

The proposed scheme had been approved by the Head of Technical Services in Consultation with the Cabinet Member for Regeneration and Transport, following the usual consultation with the Ward Councillors.

It was confirmed that the statutory consultation process was conducted between the 20th March 2014 and 10th April 2014 by means of on-site notices and a local press advertisement. One letter of objection had been received containing 12 signatories and 6 pp (per procuration) names, details of which, was included in the attached report.

6 Objectors were in attendance at the meeting representing Baines Jewitt, a local business, and were given the opportunity to make representation. Their comments could be summarised as follows:

- Representatives from Baines Jewitt gave a brief overview of the company history and stated that the company had operated for more than 100 years at its current site.
- There were 33 employees at Baines Jewitt, 70% of them were female and only 5 designated parking bays were available outside of its premises.
- Staff were facing problems when having to carry large heavy files, laptops etc. to their cars if they were not able to park in close proximity to the office. There were feelings of vulnerability and risk of items being taken whilst walking to and

from cars which were parked further away.

- Staff were currently using the land proposed for the 2 hour restricted parking and would have to move their vehicles every 2 hours, this was not a good use of staff time.

- Objectors expressed that current parking issues would be exacerbated in the winter months as commuters who walked in the summer months would chose to use their cars.

- The objectors acknowledged that on street unrestricted parking was still available, however in areas where staff would not ordinarily choose to park their vehicles. Crime was believed to be high in and around those areas. Female employees of Baines Jewitt did not carry any equipment to those areas for fear of theft due to the fact that a member of staff had already experienced an incident where an item was stolen from the back seat of her car whilst driving off. In addition there had been damage to cars such as burst tyres and scratches on paintwork etc.

- Objectors asked officers if any consideration had been given to provide a long stay car park in favour of short stay?

- Objectors sought clarity as to whether subsequent meetings had taken place with local businesses since the initial consultation had been conducted in October 2013.

- Some of the staff at Baines Jewitt were choosing to park at Ropner Park or were using the local rail service and walking the rest of the distance to the office due to most car parks being full by 8.30am. It was felt that this would not be acceptable for female staff on darker evenings.

- Representatives of Baines Jewitt questioned the feasibility of acquiring business permits for use in nearby resident permit car parking zones during office hours. It was felt that most residents would have left for the day to attend work, therefore leaving empty spaces which could be utilised by Baines Jewitt during agreed restricted hours.

- Issues were raised surrounding the logistics of car moving when clients visited Baines Jewitts offices. Staff occupying parking bays at the front of the offices would move their vehicles to accommodate their clients, who in most cases would be transporting heavy files. With the reduced number of unrestricted car parking within the vicinity, current difficulties were estimated to increase, particularly if more than 5 clients were visiting at a time. In addition, clients using the 2 hour restricted car parks when attending meetings at Baines Jewitt would have to relocate their vehicles if meetings went beyond this duration. Objectors felt that if clients were not able to park close to the premises, their clients may look to place their business elsewhere.

- Baines Jewitt felt that the current proposal of a short stay car park was a death nail and left them with little option than to board up and move premises.

- Baines Jewitt informed the Committee that the local authority were willing to discuss the possibility of helping if a move of premises was required. There had

also been an initial interest shown in the building from the Vela Group however nothing was confirmed as yet.

- The Committee heard that some staff members were using the local Aldi Supermarket car park, and although no complaints had been received as yet this couldn't be ruled out. Members suggested that Aldi be approached in an official capacity by Baines Jewitt, and, if required the local authority help mitigate and secure an agreement, that Baines Jewitt have use of a number of empty spaces within Aldi's car park..
- Staff were able to park 5 cars chevron style nose first to Baines Jewitt building at the top of Lawrence Street adjacent to existing bollards. Suggestions were made requesting the bollards be removed to increase the number of spaces available, and that the area be zoned and designated for business permit holders.
- Discussion took place surrounding the possible effects on traffic flow and parking once the Mosque at Bowesfield lane opened particularly during times of worship.

The Senior Engineer addressed the Committee in response to some of the concerns raised by the objectors. His comments could be summarised as follows:

- Subsequent meetings had been held with other local retailers following the initial consultation which was held in October 2013 as the concerns raised by Baines Jewitt were separate to that of the other businesses involved.
- Under the existing permit zone scheme permits would not be able to be issued to staff at Baines Jewitt allowing them to use spaces within the residents permit parking scheme, as the scheme provided that only residents were eligible for a permit.
- The need for short stay car parks was greater than that for long stay car parks as expressed by other local businesses. It was also common practice to provide short stay car parking in town centres to enable continued turnover of shoppers. There was however Long Stay car parking approximately 5 to 7 minutes walking distance from Baines Jewitt offices.
- Information had been gathered by the authorities' car parking team where it had been reported that there were plenty of spaces still available by 9.30am in and around the proposed site.
- Consideration could be given to introducing and extending a business permit zone on Lawrence Street which would increase the number of long stay spaces. This would need to include the removal of the existing bollards on Lawrence Street; however the spaces would be available for other local businesses to use within the agreed zone. Road safety implications would also have to be taken into account.
- With reference to the Mosque on Bowesfield lane, any issues anticipated would not be realised until the Mosque had opened and was fully operational.

- A twelve month review would be carried out following the implementation of the proposed car parking scheme, establishing where long stay car parking may have migrated to.

The Officers and Objectors from Baines Jewitt then left the meeting room.

The Committee, in the presence of officers from Law and Democracy, considered its decision taking into account all of the written information provided and the verbal representation it received at the meeting.

Members were mindful of the parking problems being experienced by the objectors, however they considered, when looking at the proposed Order that although unrestricted car parking spaces were being lost, the proposed short stay car parks were in a town centre where the majority of car parks implemented restricted waiting. In addition there had been concerns raised by other local businesses and service providers who had highlighted a need for short stay car parks within the vicinity of Buchanan Street for their customers.

The Committee noted the objectors concerns, along with the representation from the Head of Technical Services, and of those members who voted it was agreed that the reasons set out in the objections did not outweigh the reasons for making the proposed Order and therefore the objection was not upheld.

The Committee did however agree to recommend to the Head of Technical Services that consideration be given to remove existing bollards on Lawrence Street and create a zoned permit controlled parking area for local businesses and restrict access to Lawrence Street from Yarm Lane or consider extending the existing resident permit zone to include businesses.

RESOLVED that the Head of Technical Services be recommended not to uphold the objection.

**ACC  
4/14**

#### **Levendale Area, Yarm - Proposed 20mph limit**

Members were provided with a report relating to an outstanding objection received following statutory advertising of a proposed 20mph speed limit on roads around Levendale Primary School, namely Glaisdale Road, Mount Leven Road, Valley Drive, Lingfield Road and associated Close's.

An officer from Technical Services was in attendance to present the report.

In November 2012 the Council were approached by Sustrans, the sustainable transport charity, to put forward expressions of interest for their 2013/14 Links to Schools and Communities fund. Five schemes were submitted in December 2012 and the Council were subsequently asked to submit two detailed schemes to the selection panel in January 2013. These were Levendale Links and West Hartburn Links.

The Levendale Links scheme comprised of a footway/cycleway running north-south along a former pylon corridor through the Levendale estate, widening of the existing footway between the Valley Drive/Leven Road junction and Glaisdale Road to create a footway/cycleway and the implementation of a 20mph speed limit without physical calming measures on the estate.

The scheme was designed to bring the facilities in the estate up to current development standards, providing a safe route to schools and community facilities and provision of safe crossing points. The footpath/cycleway would provide a link to Levensdale Primary both for residents of Levensdale and Leven Park estates, as well as linking into the existing cycle route network on Leven Park to provide a safe route to Conyers School and the shops on Leven Park.

Speed surveys were also carried out in the estate on Lingfield Road and Glaisdale Road, details of which were contained within the main report.

It was confirmed that the scheme had been through the relevant consultation procedures, including local ward councillors, members of the public and the local Planning Authority. Detailed consultation was carried out with residents of the estate on the proposals including the 20mph speed limit where 67% of respondents were in favour of the 20mph speed limit. Two objections were received from members of the public, details of which were detailed within the main report.

The Objectors were not in attendance at the meeting to make representation to the Committee.

Following the officers report the Committee acknowledged that the Police, Ward Councillors and majority of residents were in favour of the 20mph speed limit, and that amendments to the scheme had been made during the consultation process to address some of the concerns. Ward Councillor Sherris commented that resident's concerns were for the apparent speeding of buses on Glaisdale Road. The Technical Services officer informed the Committee that this had been raised with the operator, and that follow up speed surveys would be carried out 6 months after implementation of the proposed scheme.

The Committee, in the presence of officers from Law and Democracy, considered its decision taking account of the written information contained within the main report.

Members noted the objectors concerns, and of those members who voted it was agreed that the reasons set out in the objections received did not outweigh the reasons for making the proposed Order and therefore the objections were upheld.

RESOLVED that the Head of Technical Services be recommended not to uphold the objection.